

ANNUAL REPORT
OF THE
CENSUS DATA ADVISORY COMMITTEE



Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204

February, 2012

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2011

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CENSUS DATA ADVISORY COMMITTEE

Membership Roster

Senators

**Sue Landske, Chairperson
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**Kathy Richardson
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**Robert Behning
Indianapolis**

**John Bartlett
Indianapolis**

**Shelli VanDenburgh
Indianapolis**

Staff

**Robert Rudolph
Attorney for the Committee**

**Chris Baker
Fiscal Analyst for the Committee**

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

I. STATUTORY DIRECTIVE

The responsibilities of the Census Data Advisory Committee are found in IC 2-5-19-19 which reads as follows:

"Sec. 19. The committee shall do the following:

- (1) Advise and assist the Bureau of the Census in the preparation and organization of decennial census data for use by the general assembly in reapportioning the following:
 - (A) The house of representatives of the general assembly.
 - (B) The senate of the general assembly.
 - (C) The United States House of Representatives.
- (2) Work with the Bureau of the Census in defining the boundaries of census blocks in Indiana.
- (3) Coordinate Indiana's efforts to obtain an accurate population count in each decennial census.
- (4) Work with other state and federal agencies to assist in the local review program conducted in Indiana.
- (5) Work with the code revision commission to prepare legislation for introduction in the regular session of the general assembly that meets during the year of the effective date of the decennial census under IC 1-1-3.5 to propose amendments to Indiana law to reflect the population information obtained as a result of the decennial census.
- (6) Study costs and other relevant aspects of acquisition by the state of a geographic information system.
- (7) Make recommendations concerning changes or amendments to IC 3 (the elections code) to the general assembly, including legislation for the implementation and administration of the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).".

The Legislative Council did not assign any additional subjects of study to the Committee for the 2011 Interim.

II. INTRODUCTION AND REASONS FOR STUDY

The Committee met during the 2011 Interim primarily to carry out the responsibility assigned to it under Section 19(5) of its statute: to prepare legislation to amend statutes to reflect population changes shown by the 2010 federal Decennial Census. Legislators and interested persons did not raise other issues to be considered by the Committee.

III. SUMMARY OF WORK PROGRAM

The Committee met on October 13, 2011 and November 17, 2011 to receive information and hear testimony related to the Committee's work for the 2011 Interim. The Committee also met on February 27, 2012 to adopt this Annual Report.

At the October 13 meeting, staff presented a draft (PD 3081) which would have replaced population parameters in statutes with the names of the corresponding political subdivisions. The Committee also heard a presentation from staff of the Office of Census Data regarding technical corrections to the redistricting statutes made necessary from certain errors in census geography in Elkhart County.

At the November 17 meeting, staff presented a new draft (PD 3368) that would adjust population parameters in statutes based on results of the 2010 Decennial Census rather than replace the parameters with the names of the respective political subdivisions. The Committee also heard additional information and testimony relating to the geographic errors that affect Elkhart County and discussed various solutions to address that problem. The Committee also heard brief remarks from representatives of the Indiana Election Division.

The Committee adopted this annual report at its February 27, 2012 meeting. The vote was six members in favor, none opposed, as follows: **In favor:** Senator Landske, Senator Lanane, Senator Arnold, Representative Richardson, Representative Behning, and Representative VanDenburgh. **Opposed:** no one.

IV. SUMMARY OF TESTIMONY

The Committee heard a presentation at the October meeting that gave the historical and legal reasons that population parameters have been used in Indiana statutes. The presentation included a discussion of Article 4, Sections 22 and 23 of the Indiana Constitution which restricts the authority of the General Assembly to enact "local or special legislation". The discussion included an overview of Indiana appellate court cases that have interpreted these sections of the Constitution. The Committee was also informed of the policy recommendation made by the Code Revision Commission to discontinue the practice of identifying political subdivisions by population parameters.

At the October meeting, the Committee was also given a review of the preparation that takes place before a decennial census is conducted to identify census geography and to establish boundaries for the census blocks and other information needed for the reporting of the results of the Census. The cooperative interaction among the Census Bureau, the state's Office of Census Data, and many officials of local government was described. The staff of the Office of Census Data reviewed certain errors that had been made during the data gathering prior to the conducting of the Census and described the effect those errors had on redistricting; particular attention was

given to the misassignment of three census blocks in Elkhart County that affected the boundary between new House District 48 and House District 49.

The November meeting reviewed all the issues relating to the use of population parameters in statutes and a discussion of the Code Revision Commission's reversal of its previous recommendation to replace population parameters in statutes with the names of the corresponding political subdivisions. Solutions to the problem occurring in Elkhart County were discussed and the Committee heard from Elkhart County election administrators about how the problem would affect elections in the county.

At both meetings, the Committee heard from representatives of the Indiana Election Division about activities of the Division, the 2011 municipal elections, and any election law issues that might be raised during the upcoming session of the General Assembly.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee did not make findings of fact.

The Committee made the following recommendations:

The Committee recommended the enactment of changes to certain population parameters found in the Indiana Code a statute as reflected in Preliminary Draft (PD) 3368. The recommendation was approved as follows: In favor: Senator Landske, Senator Lawson; Senator Lanane, Senator Arnold, Representative Richardson; Representative Behning. **Opposed:** Representative Bartlett, Representative Vandenburg. Motion adopted on a vote of 6-2.

The Committee also instructed staff to prepare a bill that would: (1) identify erroneous census geography in Elkhart County; (2) instruct the Office of Census Data to make changes to the legislative geographic information system to correct the error; and (3) legalize actions taken by appropriate officials in Elkhart County before enactment of such a bill to correct local data and records. A motion to so instruct staff was adopted by consent.

WITNESS LIST

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